

REMARKS

Submitted herewith is a Fee Transmittal form authorizing a charge to our Deposit Account No. 19-0365 for the below described Petition for Extension of Time and Supplemental Information Disclosure Statement.

Submitted herewith is a petition for a one-month extension of time. The grant of this petition makes August 9, 2004 the due date for this response instead of July 9, 2004.

Also submitted herewith is a Supplemental Information Disclosure Statement a copy of the documents cited therein.

In response to the Restriction Requirement, Applicants elect, with traverse, to prosecute the claims in Group I, i.e., Claims 1-13.

Applicants reserve the right to file divisional applications directed to the non-elected subject matter.

The Office Action states that the inventions are distinct. Even though the inventions are distinct, since (1) the invention of Group II prepares an intermediate (V) used in the invention of Group I, (2) the invention in Group III uses the product (VI) prepared in the invention of Group I, and (3) the invention of Group IV prepares an intermediate (IVA) used in the invention of Group II and also prepares a compound (IVB) prepared in the invention of Group II, to do a thorough search of the invention of one group, the inventions of the other groups should also be searched.


The Examiner is therefore requested to reconsider and withdraw the restriction requirement.

If the restriction requirement is not withdrawn then Applicants request that the requirement be modified so that the invention of Group I (preparation of VI) and the process of Group III (process using VI to prepare I) are in the above-identified application.

The Office Action states that the search is not co-extensive and is therefore burdensome. Applicants request reconsideration of the conclusion that the search is burdensome, noting that MPEP §803 (8th Edition, August 2001, revised May 2004) states that:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

Respectfully submitted,


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